

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT C. SMITH,

Plaintiff,

v.

LT. GREY, *et al*,

Defendants.

CASE NO. C07-5108FDB-KLS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Magistrate Judge recommends that this matter be dismissed, the asserted claims being time barred. “Federal law determines when the limitations period begins to run,” and “the general federal rule is that a limitations period begins to run when the plaintiff knows or has reason to know of the injury which is the basis of the action.” *Trotter v. International Longshoremen’s & Warehousemen’s Union*, 704 F.2d 1141, 1143 (9<sup>th</sup> Cir. 1986). Plaintiff filed objections reasserting his arguments. The Report and Recommendation presents a thorough review of the facts and the authorities in support of its conclusion, and the objections do not persuade the Court otherwise.

The Court, having reviewed defendants’ motion to dismiss (Dkt. #24), the Report and Recommendation of United States Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants’ motion is GRANTED;

- 1 (3) Plaintiff's complaint is hereby DISMISSED;
- 2 (4) The Clerk is directed to terminate this action and to count this as a dismissal of plaintiff's
- 3 complaint under **28 U.S.C. § 1915(g)**; and
- 4 (5) The Clerk is directed to send copies of this Order to plaintiff, defendants' counsel and
- 5 Magistrate Judge Karen L. Strombom.
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7 DATED this 9<sup>th</sup> day of October 2007.

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10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
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